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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,897

04/06/2006

John Roach

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The BOC Group, Inc.
575 MOUNTAIN AVENUE
MURRAY HILL, NJ 07974-2082

EXAMINER

NIESZ, JASON KAROL

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,897	Applicant(s) ROACH, JOHN	
	Examiner JASON K. NIESZ	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/06/2005 and 04/06/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 04/06/2006 and 12/06/2005 were considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stack from claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 3751

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention: Claim 5 contains the limitation "most of the storage tank" it is unclear how much of the storage tank is required to meet the limitation "most."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey (US Patent 5,284,191) in view of Chan et al. (US Patent 7,011,118) Stanton (US Patent 6,637,976 B2), and Matsumura et al (US Patent 5,678,411).

In Re claims 1 and 10 with reference to figure 26 McGarvey discloses an installation comprising a vault (600) housing a liquefied gas storage tank (611), a

Art Unit: 3751

chamber within the vault (626) a liquefied gas inlet (642) and a liquefied gas supply pipeline (670b).

McGarvey doesn't disclose a vaporizer, a first cabinet with an extractor fan or a means for changing the atmosphere in the chamber.

Chan discloses a cabinet housing various fuel dispensing components and having a fan to exhaust the air from the cabinet (Figure 7).

In Figure 2 Stanton discloses a vault (62) a chamber (10) and a fan for changing the atmosphere in the chamber.

In Figure 1 Matsumura discloses a liquefied gas supply system having a vaporizer (4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McGarvey device as follows: to add the vaporizer from Matsumura, in order to provide the McGarvey facility with the capability to dispense gas in vapor form in addition to liquid; to add the fan from Stanton, in order to prevent the chamber in McGarvey from filling with potentially toxic fumes; and to enclose the dispensing components in a cabinet with an exhaust fan as taught by Chan, in order to prevent potentially flammable fumes from building up near electronic controls and protect the components from damage.

In Re claim 2 McGarvey discloses the storage of hydrocarbons, which are flammable (abstract).

In Re claim 4 it would have been obvious to one of ordinary skill in the art at the time the invention was made that the McGarvey in view of Chan system could be

Art Unit: 3751

configured so that each dispensing component (valve, pump, etc.) is placed in an individual exhausting cabinet.

In Re claim 5 with respect to Figure 2 Stanton discloses a chamber formed by bulkheads which are walls of storage tanks (10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McGarvey apparatus by unifying the internal bulkhead (622) with the end of the tank, in order to more securely fix the tank to the vault.

In Re claim 12 with reference to Figure 2 Stanton discloses a vehicle refueling station, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the McGarvey apparatus to dispense fuel, in order to supply vehicles with fuel.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey in view of Chan, Stanton and Matsumura, and in further view of Perkins (US Patent 4,355,652).

In Re claim 6 McGarvey in view of Chan, Stanton and Matsumura as applied to claim 1 above discloses all the limitations. McGarvey further discloses a pump (Figure 26, 640). McGarvey doesn't disclose a supply of purge gas. With respect to Figure 1 Perkins discloses a compressed gas tank (37) used to purge a liquid carrying conduit. Therefore, it would have been obvious to one of ordinary skill in the art to modify the McGarvey reference by adding the container of purging gas from Perkins, attached to the fuel supply line, in order to purge the line of fuel between uses and reduce the risk of fire.

Art Unit: 3751

In Re claim 7 the pump from McGarvey is included among the dispensing components which would be placed inside the cabinet in the combination applied to claim 1.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarvey, in view of Chan, Stanton and Matsumura, and in further view of Nanaji (US Patent 6,761,190 B2).

In Re claim 8 McGarvey in view of Chan, Stanton, and Matsumura as applied to claim 1 above discloses all the limitations, but doesn't disclose a vent pipeline or a stack. With reference to Figure 1 Nanaji discloses a vent pipeline (34) attached to a stack (36) used for venting fuel vapors. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a vent pipeline and a stack attached to the fuel supply line from McGarvey, in order to safely vent any buildup of fuel vapor.

Allowable Subject Matter

10. Claims 3, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. NIESZ whose telephone number is (571)270-3920. The examiner can normally be reached on mon-fri 9-4.

Art Unit: 3751

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason K Niesz
Examiner
Art Unit 3751

/Timothy L Maust/
for Gregory Huson, SPE of Art Unit 3751